THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.7855 of 2003

Dated: 27.11.2006

Between:

Y.V.Rama Rao.

.... PETITIONER

AND

The General Manager (Operations) and Appellate Authority, State Bank of India, Zonal Office, Koti, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.7855 of 2003

ORDER:

Questioning the action of the respondents in conducting the enquiry without issuing the charge sheet against the petitioner in pursuance of the show cause notice dated 11.08.1998, and appointing another Enquiry Officer, vide letter dated 17.04.2003, the present writ petition is filed.

2. The petitioner states that while he was working as Head Assistant in the respondents-Bank, he was placed under suspension, pending enquiry, by orders dated 01.07.1996, alleging that he was involved in a criminal case in C.C.No.213 of 1997, filed by the Principal of Kendriya Vidyalaya, Kanchanbagh, Hyderabad. He further states that subsequently no departmental enquiry was initiated against him, and after lapse of two years from the date of his suspension, the 2nd respondent issued a show cause notice dated 11.08.1998 alleging that he has forged the signatures of

Smt S.N.Usha, Principal of Kendriya Vidyalaya, Kanchanbagh, Hyderabad on two cheques and fraudulently withdrawn the amounts and shared the said amount with other employees of the School, and called upon him to show cause as to why disciplinary

action should not be initiated against him, for which he submitted his explanation. Thereafter, the 2nd respondent appointed an Enquiry Officer to enquire into the matter departmentally and advised the petitioner to present before the Enquiry Officer. Questioning the action of the 2nd respondent in proceeding further with the departmental enquiry, without issuing any charge sheet and based on the show cause notice issued to him, as illegal and contrary to the statutory rules, the petitioner filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Bank.

4. This Court, while admitting the writ petition on 01.05.2003, granted interim stay of all further proceedings. Thereafter, the respondents filed vacate stay petition in W.V.M.P. No. 2527 of 2003 seeking to vacate the said interim orders, and this Court, by order dated 02.09.2004, allowed the same and vacated the said interim stay order. Aggrieved by the same, the petitioner preferred an appeal in W.A.No.174 of 2006, and the same was dismissed on 27.02.2006. Subsequent to dismissal of the said writ appeal, the respondents have completed the enquiry and issued proceedings dated 30.09.2006, along with the enquiry report, calling upon the petitioner to appear before the 2nd respondent for personal hearing and show cause as to why the proposed punishment shall not be inflicted upon him. Meanwhile, the petitioner filed W.P.M.P. Nos. 7181 and 7182 of 2006 seeking to declare the action of the 2nd respondent in issuing the proceedings dated 10.06.2002 ordering re-enquiry, as illegal and contrary to the Service Rules and to stay all re-enquiry proceedings pending disposal of the writ

petition. Since, pursuant to the dismissal of the writ appeal, filed by the petitioner, the respondents have completed the enquiry and issued proceedings dated 30.09.2006, along with the enquiry report, calling upon the petitioner to appear before the 2nd respondent for personal hearing and show cause as to why the proposed punishment shall not be inflicted upon him, I think that no purpose would be served by passing any orders in the said W.P.M.Ps at this stage.

5. Further, when the matter is taken up for hearing, the learned Standing Counsel for the respondents-Bank has produced a copy of the disciplinary proceedings dated 30.09.2006 along with the enquiry report, wherein the petitioner was called upon to appear before the 2nd respondent for personal hearing and show cause as to why the proposed punishment of removal from service with superannuation benefits should not be inflicted upon him.

6. It is represented by the learned counsel for the petitioner that the petitioner had already submitted his explanation to the said show cause notice dated 30.09.2006 and sought for personal hearing of the matter by the respondents. Learned Standing Counsel for the respondent-Bank expressed no objection for hearing the petitioner in person.

7. Having regard to the facts and circumstances of the case, and in view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition with the following direction.

The petitioner is directed to appear in person before the 2nd respondent, and after hearing the petitioner, the 2nd respondent is at liberty to pass appropriate orders in the matter in

accordance with law. No costs.

8. Accordingly, the Writ Petition is disposed of. No costs.

_____

N.V. RAMANA, J.

Date: 27.11.2006

Note:
Issue CC in three days.
(Bo)
sj/nsr